

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF SEATTLE,

Plaintiff,

v.

KURT BENSHOOF,

Defendant.

CASE NO. 2:24-mc-57-JNW

DISMISSAL ORDER

The Court raises this matter on its own accord.

Plaintiff Kurt Benshoof initiated this action on September 9, 2024, by filing a proposed removal petition. Dkt. No. 1. On September 18, 2024, the Clerk of Court notified Benshoof of deficiencies in his filing, including failure to pay the filing fee, or apply for in forma pauperis (IFP) status, and omission of a civil cover sheet. Dkt. No. 3. The Clerk notified Benshoof that these deficiencies must be corrected by October 18, 2024, and expressly warned that failure to do so could result in dismissal of his case. As of this date, Benshoof has not rectified this deficiency.


“A party must pay the Civil Filing Fee when it files . . . any civil action except for proceedings in forma pauperis under LCR 3(c) or as otherwise exempted by law.”

1 LCR 3(b); *see also* 28 U.S.C. § 1914(a). An action may proceed without the
2 immediate payment of a filing fee only for parties proceeding IFP. *See* 28 U.S.C.
3 § 1915. Absent IFP status, failure to pay the filing fee results in dismissal without
4 prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th Cir. 1995).

5 Benshoof's continued failure to either pay the filing fee or apply for IFP
6 status precludes his case from moving forward. The Court therefore DISMISSES
7 this action without prejudice.

8 It is so ORDERED.

9 Dated this 8th day of January, 2025.

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12 Jamal N. Whitehead
13 United States District Judge
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF SEATTLE,

Plaintiff,

v.

KURT A. BENSHOOF,

Defendant

JUDGMENT IN A CIVIL CASE

CASE NUMBER 2:24-mc-57-JNW

- ☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.
- ☒ **Decision by Court.** This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

THE COURT HAS ORDERED THAT

Benshoof's continued failure to either pay the filing fee or apply for IFP status precludes his case from moving forward. The Court therefore DISMISSES this action without prejudice.

It is so ORDERED.

Dated January 8, 2025.

Ravi Subramanian
Clerk of Court

/s/ Rachel Evans
Deputy Clerk

CLERK, UNITED STATES DISTRICT COURT

UNITED STATES COURTHOUSE
700 STEWART STREET, SUITE 2310
SEATTLE, WA 98101

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